

## **REMARKS**

Favorable reconsideration and allowance of this application are requested.

As a procedural note, the present amendment is being filed concurrently with a formal Request for Continued Examination (RCE) under 37 CFR §1.114. Accordingly withdrawal of the "finality" of the June 23, 2008 Official Action is in order so as to allow entry and consideration of the amendments and remarks presented herewith.

### **1. Discussion of Amendments**

By way of the amendment instructions above, pending claim 1 has been revised so as to emphasize that a filter unit containing activated carbon immobilized in a cartridge is provided, wherein the cartridge is a self-contained replaceable entity comprising powdered activated carbon immobilized in a matrix which is in the form of a membrane sheet. Claim 7 has therefore been cancelled as redundant.

Thus, following entry of this amendment, amended versions of claims 1-6, 8-11 and 13-19 will remain pending herein for which favorable reconsideration is solicited.

### **2. Response to 35 USC §103(a) Rejection**

The only issue remaining to be resolved in this application is the asserted "obviousness" under 35 USC §103(a) of prior claims 1-11 and 13-19 based on Corson et al (USP 3,551,203) in view of Dalton (USP 2,655,497) and further in view of Kennedy (USP 4,619,948). In this regard, the Examiner states that:

"One of ordinary skill in the art would have been motivated to use the filter of Kennedy in the combined method because Kennedy teaches that the immobilized carbon sheet is more effective than standard activated carbon filters because it enhances the surface area for exchange of the fluid with the

active material of the filter." (Page 7, lines 8-12 of Official Action)

Applicants respectfully disagree.

Specifically, applicants note that Kennedy teaches a *"reticulated hydrophilic foam substrate with active substrate powder particles with enhanced surface area."*

It is the *active carbon containing, reticulated foam substrate*, **not** the immobilized carbon sheet, which Kennedy claims is more effective than standard activated carbon filters. In fact, Kennedy does not refer to any immobilized carbon sheet.

Applicants note for the record that the sheets, mentioned by Kennedy and referred to by the Examiner, are not membrane sheets, but instead sheets made of reticulated foam.

Kennedy does **not** teach that sheets (i.e. foam sheets) can be used in a cartridge. In fact, Kennedy specifically and repeatedly teaches that shredded, ground, or fragmented foam particles can be used in a cartridge (col. 5, l. 25-29; col. 12, l. 24-36; claim 22).

The ordinarily skilled person would therefore not be motivated to use a membrane sheet type filter cartridge for the purification of a valuable compound. That is, even though such an ordinarily skilled person would have knowledge of Corson et al, Dalton and Kennedy, a combination of such references would **not** yield the presently claimed invention.

Hence, the process for the purification of a compound with a filter unit wherein the activated carbon is immobilized in a cartridge, which is a self-containing and readily replaceable entity containing powdered activated carbon immobilized in the matrix and prepared in the form of a membrane sheet, is non-obvious.

**WNUKOWSKI et al**  
**Serial No. 10/574,854**  
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Withdrawal of the rejection advanced against the prior claims under 35 USC §103(a) based on Corson et al, Dalton and Kennedy is therefore in order.

**3. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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